

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14818 of 2009

Arising Out of PS.Case No. -0 Year- null Thana -null District- SARAN

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Shesh Chauhan @ Kundan son of late Baijnath Singh, resident of village Inai,
Police Station Revilganj, District Saran (Chapra)

.... Petitioner/s

Versus

1. The State of Bihar
2. Raghunath Singh son of late Ram Raj Singh, resident of village Inai, Police
Station Revilganj, District Saran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. S.K. Sinha, Adocate

For the Opposite Party/s : Mr. R.B. Roy Raman, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 17-07-2015

No one appears on behalf of the Opposite Party No.2
despite repeated calls.

The Petitioner seeks quashing of the order of cognizance
dated 25.5.2008 passed by the Judicial Magistrate, 1st class, Chapra
(Saran) in Enquiry case No.475 of 2008 (Trial No.3611 of 2008).

The case of the Complainant is that the Petitioner along
with others executed a sale deed in favour of each other in which
some of the accused were witnesses.

It has been submitted on behalf of the Petitioner that
initially on this allegation a First Information Report was instituted
which after due investigation ended in a final report. However the
case proceeded on protest. The further submission is that for the same

cause of action a Title Suit is pending and hence continuance of the present prosecution would be a gross abuse of the process of the Court.

Having looked into the documents filed herewith, I am inclined to agree with the submission of the Counsel for the Petitioner that the present prosecution would be multiplicity of a proceeding and deserves to be set aside. Hence, the application is allowed and the proceeding including the order of cognizance dated 25.5.2008 passed by the Judicial Magistrate, 1st class, Chapra (Saran) in Enquiry case No.475 of 2008 (Trial No.3611 of 2008) without prejudice to either party is hereby set aside.

(Anjana Prakash, J)

Narendra/-

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